United Nations A/C.4/63/L.11

General Assembly

Distr.: Limited
3 November 2008

Original: English

Sixty-third session

Special Political and Decolonization Committee (Fourth Committee)

Agenda item 29

United Nations Relief and Works Agency for Palestine Refugees in the Near East

Algeria, Austria, Bahrain, Bangladesh, Belgium, Comoros, Cyprus, Czech Republic, Denmark, Djibouti, Egypt, Estonia, Finland, France, Germany, Greece, Hungary, Iraq, Ireland, Italy, Jordan, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Malta, Mauritania, Morocco, Netherlands, Nicaragua, Oman, Poland, Portugal, Qatar, Romania, Saudi Arabia, Senegal, Slovenia, Somalia, South Africa, Spain, Tunisia, United Arab Emirates, Yemen and Palestine: draft resolution

Assistance to Palestine refugees

The General Assembly,

Recalling its resolution 194 (III) of 11 December 1948 and all its subsequent resolutions on the question, including resolution 62/102 of 17 December 2007,

Recalling also its resolution 302 (IV) of 8 December 1949, by which, inter alia, it established the United Nations Relief and Works Agency for Palestine Refugees in the Near East,

Recalling further relevant Security Council resolutions,

Aware of the fact that, for six decades, the Palestine refugees have suffered from the loss of their homes, lands and means of livelihood,

Affirming the imperative of resolving the problem of the Palestine refugees for the achievement of justice and for the achievement of lasting peace in the region,

Acknowledging the essential role that the United Nations Relief and Works Agency for Palestine Refugees in the Near East has played for 59 years since its establishment in ameliorating the plight of the Palestine refugees through its provision of education, health, relief and social services and emergency assistance,

08-58504 (E) 041108

Taking note of the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East covering the period from 1 January to 31 December 2007,[1]

Aware of the continuing needs of the Palestine refugees throughout all the fields of operation, namely, Jordan, Lebanon, the Syrian Arab Republic and the Occupied Palestinian Territory,

Expressing grave concern at the especially difficult situation of the Palestine refugees under occupation, including with regard to their safety, well-being and socio-economic living conditions,

Expressing grave concern in particular at the humanitarian situation in the Gaza Strip, and underlining the importance of emergency and humanitarian assistance,

Noting the signing of the Declaration of Principles on Interim Self-Government Arrangements[2] on 13 September 1993 by the Government of Israel and the Palestine Liberation Organization and the subsequent implementation agreements,

Aware of the role to be played by the Multilateral Working Group on Refugees of the Middle East peace process,

1. *Notes with regret* that repatriation or compensation of the refugees, as provided for in paragraph 11 of General Assembly resolution 194 (III), has not yet been effected, and that, therefore, the situation of the Palestine refugees continues to be a matter of grave concern and the Palestine refugees continue to require assistance to meet basic health, education and living needs;

2. *Also notes with regret* that the United Nations Conciliation Commission for Palestine has been unable to find a means of achieving progress in the implementation of paragraph 11 of General Assembly resolution 194 (III), and reiterates its request to the Conciliation Commission to continue exerting efforts towards the implementation of that paragraph and to report to the Assembly as appropriate, but no later than 1 September 2009;

3. *Affirms* the necessity for the continuation of the work of the United Nations Relief and Works Agency for Palestine Refugees in the Near East and the importance of its unimpeded operation and its provision of services for the well-being and human development of the Palestine refugees and for the stability of the region, pending the just resolution of the question of the Palestine refugees;

4. *Calls upon* all donors to continue to make the most generous efforts possible to meet the anticipated needs of the Agency, including with regard to increased expenditures arising from the continuing deterioration of the socio-economic and humanitarian situation in the region, particularly in the Occupied Palestinian Territory, and those mentioned in recent emergency appeals;

5. *Decides* to commemorate the work of the United Nations Relief and Works Agency for Palestine Refugees in the Near East on the occasion of the sixtieth anniversary of its establishment at a high-level meeting to be convened on

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[1] *Official Records of the General Assembly, Sixty-third Session, Supplement No. 13* (A/63/13).

[2] A/48/486-S/26560, annex.

30 September 2009, during the sixty-fourth session of the General Assembly, and encourages the participation of Member States at the ministerial level;

6. *Decides also* to invite Finland and Ireland, in accordance with the criterion set forth in General Assembly decision 60/522 of 8 December 2005, to become members of the Advisory Commission of the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

United Nations A/C.4/63/L.12

General Assembly

Distr.: Limited
3 November 2008

Original: English

Sixty-third session

Special Political and Decolonization Committee (Fourth Committee)

Agenda item 29

United Nations Relief and Works Agency for Palestine Refugees in the Near East

Algeria, Bahrain, Bangladesh, Brunei Darussalam, Comoros, Egypt, Iraq, Jordan, Lebanon, Malaysia, Mauritania, Morocco, Nicaragua, Oman, Qatar, Saudi Arabia, Senegal, Somalia, South Africa, Tunisia, United Arab Emirates, Yemen and Palestine: draft resolution

Persons displaced as a result of the June 1967 and subsequent hostilities

The General Assembly,

Recalling its resolutions 2252 (ES-V) of 4 July 1967, 2341 B (XXII) of 19 December 1967 and all subsequent related resolutions,

Recalling also Security Council resolutions 237 (1967) of 14 June 1967 and 259 (1968) of 27 September 1968,

Taking note of the report of the Secretary-General submitted in pursuance of its resolution 62/103 of 17 December 2007,[1]

Taking note also of the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East covering the period from 1 January to 31 December 2007,[2]

Concerned about the continuing human suffering resulting from the June 1967 and subsequent hostilities,

Taking note of the relevant provisions of the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993[3] with regard to the modalities for the admission of persons displaced in 1967, and concerned that the process agreed upon has not yet been effected,

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[1] A/63/315.

[2] *Official Records of the General Assembly, Sixty-third Session, Supplement No. 13* (A/63/13).

[3] A/48/486-S/26560, annex.

08-58498 (E) 041108

1. *Reaffirms* the right of all persons displaced as a result of the June 1967 and subsequent hostilities to return to their homes or former places of residence in the territories occupied by Israel since 1967;

2. *Expresses deep concern* that the mechanism agreed upon by the parties in article XII of the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993[3] on the return of displaced persons has not been complied with, and stresses the necessity for an accelerated return of displaced persons;

3. *Endorses*, in the meanwhile, the efforts of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to continue to provide humanitarian assistance, as far as practicable, on an emergency basis, and as a temporary measure, to persons in the area who are currently displaced and in serious need of continued assistance as a result of the June 1967 and subsequent hostilities;

4. *Strongly appeals* to all Governments and to organizations and individuals to contribute generously to the Agency and to the other intergovernmental and non-governmental organizations concerned for the above-mentioned purposes;

5. *Requests* the Secretary-General, after consulting with the Commissioner-General, to report to the General Assembly before its sixty-fourth session on the progress made with regard to the implementation of the present resolution.

United Nations A/C.4/63/L.13

General Assembly

Distr.: Limited
3 November 2008

Original: English

Sixty-third session

Special Political and Decolonization Committee (Fourth Committee)

Agenda item 29

United Nations Relief and Works Agency for Palestine Refugees in the Near East

Algeria, Bahrain, Bangladesh, Brunei Darussalam, Comoros, Egypt, Iraq, Jordan, Kuwait, Lebanon, Malaysia, Mauritania, Morocco, Nicaragua, Oman, Qatar, Saudi Arabia, Senegal, Somalia, South Africa, Tunisia, United Arab Emirates, Yemen and Palestine: draft resolution

Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East

The General Assembly,

Recalling its resolutions 194 (III) of 11 December 1948, 212 (III) of 19 November 1948, 302 (IV) of 8 December 1949 and all subsequent related resolutions, including its resolution 62/104 of 17 December 2007,

Recalling also the relevant Security Council resolutions,

Having considered the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East covering the period from 1 January to 31 December 2007,[1]

Taking note of the letter dated 11 June 2008 from the Chairman of the Advisory Commission of the United Nations Relief and Works Agency for Palestine Refugees in the Near East addressed to the Commissioner-General,[2]

Deeply concerned about the critical financial situation of the Agency, as well as about the rising expenditures of the Agency resulting from the deterioration of the socio-economic and humanitarian conditions in the region and their significant negative impact on the provision of necessary Agency services to the Palestine refugees, including its emergency-related and development programmes,

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[1] *Official Records of the General Assembly, Sixty-third Session, Supplement No. 13* (A/63/13).

[2] Ibid., p. vii.

08-58492 (E) 041108

Recalling Articles 100, 104 and 105 of the Charter of the United Nations and the Convention on the Privileges and Immunities of the United Nations,[3]

Recalling also the Convention on the Safety of United Nations and Associated Personnel,[4]

Affirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[5] to the Palestinian territory occupied since 1967, including East Jerusalem,

Aware of the continuing needs of the Palestine refugees throughout the Occupied Palestinian Territory and in the other fields of operation, namely Jordan, Lebanon and the Syrian Arab Republic,

Gravely concerned about the extremely difficult living conditions being faced by the Palestine refugees in the Occupied Palestinian Territory, including East Jerusalem, particularly in the refugee camps in the Gaza Strip, resulting, inter alia, from the loss of life and injury, the extensive destruction of their shelters, properties and vital infrastructure, the displacement of the Palestine refugees, the prolonged closures and socio-economic decline,

Aware of the extraordinary efforts being undertaken by the Agency for the repair or rebuilding of thousands of damaged or destroyed refugee shelters and for the provision of shelter and emergency aid for those refugee families internally displaced as a result of Israeli military actions, as well as for those refugees affected and displaced by the crisis in the Nahr el-Bared refugee camp in northern Lebanon, and welcoming the efforts of the Government of Lebanon and the international community to support the rebuilding by the Agency of the Nahr el-Bared camp,

Welcoming in this regard the pledges made at the International Donor Conference for the Recovery and Reconstruction of the Nahr el-Bared Palestine Refugee Camp and Conflict-affected Areas of Northern Lebanon, held in Vienna on 23 June 2008, and urging the early fulfilment of pledges as well as a rapid response by donors to the additional relief and recovery appeal for the Nahr el-Bared camp launched by the Agency on 11 September 2008,

Aware also of the valuable work done by the Agency in providing protection to the Palestinian people, in particular Palestine refugees,

Gravely concerned about the endangerment of the safety of the Agency's staff and about the damage caused to the facilities of the Agency, in particular as a result of Israeli military operations during the reporting period,

Deploring the killing of nineteen Agency staff members by the Israeli occupying forces in the Occupied Palestinian Territory since September 2000,

Also deploring the killing and wounding of refugee children, including in the Agency's schools, by the Israeli occupying forces,

Expressing deep concern about the gravely negative impact of the continuing closures, the imposition of severe restrictions on the movement of persons and goods, and the construction of the wall, contrary to international law, in the

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[3] Resolution 22 A (I).

[4] United Nations, *Treaty Series*, vol. 2051, No. 35457.

[5] Ibid., vol. 75, No. 973.

Occupied Palestinian Territory, including in and around East Jerusalem, on the socio-economic situation of the Palestine refugees,

Deeply concerned about the continuing imposition of restrictions on the freedom of movement and access of the Agency's staff, vehicles and goods, and the injury, harassment and intimidation of the Agency's staff, which undermine and obstruct the work of the Agency, including its ability to provide essential basic and emergency services,

Aware of the agreement between the Agency and the Government of Israel,

Taking note of the agreement reached on 24 June 1994, embodied in an exchange of letters between the Agency and the Palestine Liberation Organization,[6]

1. *Reaffirms* that the functioning of the United Nations Relief and Works Agency for Palestine Refugees in the Near East remains essential in all fields of operation;

2. *Expresses its appreciation* to the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, as well as to all of the staff of the Agency, for their tireless efforts and valuable work, particularly in the light of the difficult conditions during the past year;

3. *Expresses its appreciation also* to the Advisory Commission of the Agency, and requests it to continue its efforts and to keep the General Assembly informed of its activities;

4. *Takes note with appreciation* of the report of the Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East[7] and its efforts to assist in ensuring the financial security of the Agency, and requests the Secretary-General to provide the necessary services and assistance to the Working Group for the conduct of its work;

5. *Commends* the continuing efforts of the Commissioner-General to increase the budgetary transparency and efficiency of the Agency, as reflected in the Agency's programme budget for the biennium 2008-2009[8] and in its comprehensive, three-year organizational development plan;

6. *Requests* the Secretary-General to support the institutional strengthening of the Agency through the provision of sufficient financial resources from the regular budget of the United Nations;

7. *Endorses*, meanwhile, the efforts of the Commissioner-General to continue to provide humanitarian assistance, as far as practicable, on an emergency basis, and as a temporary measure, to persons in the area who are internally displaced and in serious need of continued assistance as a result of recent crises in the Occupied Palestinian Territory and Lebanon;

8. *Acknowledges* the important support provided by the host Governments to the Agency in the discharge of its duties;

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[6] *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 13* (A/49/13), annex I.

[7] A/63/375.

[8] *Official Records of the General Assembly, Sixty-second Session, Supplement No. 13A* (A/62/13/Add.1).

9. *Encourages* the Agency, in close cooperation with other relevant United Nations entities, to continue making progress in addressing the needs and rights of children and women in its operations in accordance with the Convention on the Rights of the Child[9] and the Convention on the Elimination of All Forms of Discrimination against Women,[10] respectively;

10. *Expresses concern* about the continuing relocation of the international staff of the Agency from its headquarters in Gaza City and the disruption of operations at the headquarters due to the deterioration and instability of the situation on the ground;

11. *Calls upon* Israel, the occupying Power, to comply fully with the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;[5]

12. *Also calls upon* Israel to abide by Articles 100, 104 and 105 of the Charter of the United Nations and the Convention on the Privileges and Immunities of the United Nations[3] in order to ensure the safety of the personnel of the Agency, the protection of its institutions and the safeguarding of the security of its facilities in the Occupied Palestinian Territory, including East Jerusalem;

13. *Urges* the Government of Israel to speedily compensate the Agency for damage to its property and facilities resulting from actions by the Israeli side and to expeditiously reimburse the Agency for all transit charges incurred and other financial losses sustained by the Agency as a result of delays and restrictions on movement and access imposed by Israel;

14. *Calls upon* Israel particularly to cease obstructing the movement and access of the staff, vehicles and supplies of the Agency and to cease the levying of extra fees and charges, which affect the Agency's operations detrimentally;

15. *Requests* the Commissioner-General to proceed with the issuance of identification cards for Palestine refugees and their descendants in the Occupied Palestinian Territory;

16. *Reiterates its request* to the Commissioner-General to proceed with the modernization of the archives of the Agency through the Palestine Refugee Records Project, and to indicate progress in her report to the General Assembly at its sixty-fourth session;

17. *Notes* the success of the Agency's microfinance and microenterprise programmes, and calls upon the Agency, in close cooperation with the relevant agencies, to continue to contribute to the development of the economic and social stability of the Palestine refugees in all fields of operation;

18. *Reiterates its appeals* to all States, specialized agencies and non-governmental organizations to continue and to augment the special allocations for grants and scholarships for higher education to Palestine refugees in addition to their contributions to the regular budget of the Agency and to contribute to the establishment of vocational training centres for Palestine refugees, and requests the Agency to act as the recipient and trustee for the special allocations for grants and scholarships;

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[9] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[10] Ibid., vol. 1249, No. 20378.

19. *Urges* all States, specialized agencies and non-governmental organizations to continue and to increase their contributions to the Agency so as to ease the ongoing financial constraints, exacerbated by the current humanitarian situation on the ground that has resulted in rising expenditures, in particular with regard to emergency services, and to support the Agency's valuable and necessary work in assisting the Palestine refugees in all fields of operation.

United Nations A/C.4/63/L.14

General Assembly

Distr.: Limited
3 November 2008

Original: English

Sixty-third session

Special Political and Decolonization Committee (Fourth Committee)

Agenda item 29

United Nations Relief and Works Agency for Palestine Refugees in the Near East

Algeria, Austria, Bahrain, Bangladesh, Belgium, Brunei Darussalam, Comoros, Cyprus, Czech Republic, Denmark, Egypt, Estonia, Finland, France, Germany, Greece, Hungary, Iraq, Ireland, Italy, Jordan, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Malta, Mauritania, Morocco, Netherlands, Nicaragua, Oman, Qatar, Poland, Portugal, Romania, Saudi Arabia, Senegal, Slovenia, Somalia, South Africa, Spain, Tunisia, United Arab Emirates, Yemen and Palestine: draft resolution

Palestine refugees' properties and their revenues

The General Assembly,

Recalling its resolutions 194 (III) of 11 December 1948 and 36/146 C of 16 December 1981 and all its subsequent resolutions on the question,

Taking note of the report of the Secretary-General submitted pursuant to resolution 62/105 of 17 December 2007,[1] as well as that of the United Nations Conciliation Commission for Palestine for the period from 1 September 2007 to 31 August 2008,[2]

Recalling that the Universal Declaration of Human Rights[3] and the principles of international law uphold the principle that no one shall be arbitrarily deprived of his or her property,

Recalling in particular its resolution 394 (V) of 14 December 1950, in which it directed the Conciliation Commission, in consultation with the parties concerned, to prescribe measures for the protection of the rights, property and interests of the Palestine refugees,

[1] A/63/269.

[2] See A/63/317.

[3] Resolution 217 A (III).

08-58486 (E) 041108

Noting the completion of the programme of identification and evaluation of Arab property, as announced by the Conciliation Commission in its twenty-second progress report,[4] and the fact that the Land Office had a schedule of Arab owners and a file of documents defining the location, area and other particulars of Arab property,

Expressing its appreciation for the preservation and modernization of the existing records, including the land records, of the Conciliation Commission and the importance of such records for a just resolution of the plight of the Palestine refugees in conformity with resolution 194 (III),

Recalling that, in the framework of the Middle East peace process, the Palestine Liberation Organization and the Government of Israel agreed, in the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993,[5] to commence negotiations on permanent status issues, including the important issue of the refugees,

1. *Reaffirms* that the Palestine refugees are entitled to their property and to the income derived therefrom, in conformity with the principles of equity and justice;

2. *Requests* the Secretary-General to take all appropriate steps, in consultation with the United Nations Conciliation Commission for Palestine, for the protection of Arab property, assets and property rights in Israel;

3. *Calls once again upon* Israel to render all facilities and assistance to the Secretary-General in the implementation of the present resolution;

4. *Calls upon* all the parties concerned to provide the Secretary-General with any pertinent information in their possession concerning Arab property, assets and property rights in Israel that would assist him in the implementation of the present resolution;

5. *Urges* the Palestinian and Israeli sides, as agreed between them, to deal with the important issue of Palestine refugees' properties and their revenues within the framework of the final status negotiations of the Middle East peace process;

6. *Requests* the Secretary-General to report to the General Assembly at its sixty-fourth session on the implementation of the present resolution.

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[4] *Official Records of the General Assembly, Nineteenth Session, Annexes*, Annex No. 11, document A/5700.

[5] A/48/486-S/26560, annex.

United Nations A/C.4/63/L.15

General Assembly

Distr.: Limited
3 November 2008

Original: English

Sixty-third session

Special Political and Decolonization Committee (Fourth Committee)

Agenda item 30

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Algeria, Bahrain, Bangladesh, Brunei Darussalam, Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Malaysia, Mauritania, Morocco, Nicaragua, Oman, Qatar, Saudi Arabia, Senegal, Somalia, South Africa, Tunisia, United Arab Emirates, Yemen and Palestine: draft resolution

Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by international humanitarian law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,[1] as well as international standards of human rights, in particular the Universal Declaration of Human Rights[2] and the International Covenants on Human Rights,[3]

Recalling its relevant resolutions, including resolutions 2443 (XXIII) of 19 December 1968 and 62/106 of 17 December 2007, and the relevant resolutions of the Commission on Human Rights and the Human Rights Council,

Recalling also the relevant resolutions of the Security Council,

Taking into account the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a*

[1] United Nations, *Treaty Series*, vol. 75, No. 973.
[2] Resolution 217 A (III).
[3] See resolution 2200 A (XXI), annex.

08-58791 (E) 051108

Wall in the Occupied Palestinian Territory,[4] and recalling in this regard General Assembly resolution ES-10/15 of 20 July 2004,

Convinced that occupation itself represents a gross and grave violation of human rights,

Gravely concerned about the continuing detrimental impact of the events that have taken place since 28 September 2000, including the excessive use of force by the Israeli occupying forces against Palestinian civilians, resulting in thousands of deaths and injuries, the widespread destruction of property and vital infrastructure and the internal displacement of civilians,

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories[5] and the relevant reports of the Secretary-General,[6]

Recalling the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993[7] and the subsequent implementation agreements between the Palestinian and Israeli sides,

Expressing the hope that the Israeli occupation will be brought to an early and complete end and that therefore the violation of the human rights of the Palestinian people will cease, and recalling in this regard its resolution 58/292 of 6 May 2004,

1. *Commends* the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories for its efforts in performing the tasks assigned to it by the General Assembly and for its impartiality;

2. *Reiterates its demand* that Israel, the occupying Power, cooperate, in accordance with its obligations as a State Member of the United Nations, with the Special Committee in implementing its mandate;

3. *Deplores* those policies and practices of Israel that violate the human rights of the Palestinian people and other Arabs of the occupied territories, as reflected in the report of the Special Committee covering the reporting period;[5]

4. *Expresses grave concern* about the critical situation in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000, as a result of unlawful Israeli practices and measures, and especially condemns all illegal Israeli settlement activities and the construction of the wall, as well as the excessive and indiscriminate use of force against the civilian population, including extrajudicial executions;

5. *Requests* the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,[1] and to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and

[4] See A/ES-10/273 and Corr.1.

[5] See A/63/273.

[6] See A/63/483 and A/63/484.

[7] A/48/486-S/26560, annex.

human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

6. *Also requests* the Special Committee to submit regularly to the Secretary-General periodic reports on the current situation in the Occupied Palestinian Territory, including East Jerusalem;

7. *Further requests* the Special Committee to continue to investigate the treatment of the thousands of prisoners and detainees in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

8. *Requests* the Secretary-General:

(a) To provide the Special Committee with all necessary facilities, including those required for its visits to the occupied territories, so that it may investigate Israeli policies and practices referred to in the present resolution;

(b) To continue to make available such staff as may be necessary to assist the Special Committee in the performance of its tasks;

(c) To circulate regularly to Member States the periodic reports mentioned in paragraph 6 above;

(d) To ensure the widest circulation of the reports of the Special Committee and of information regarding its activities and findings, by all means available, through the Department of Public Information of the Secretariat and, where necessary, to reprint those reports of the Special Committee that are no longer available;

(e) To report to the General Assembly at its sixty-fourth session on the tasks entrusted to him in the present resolution;

9. *Decides* to include in the provisional agenda of its sixty-fourth session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories".

United Nations A/C.4/63/L.16

General Assembly

Distr.: Limited
3 November 2008

Original: English

Sixty-third session

Special Political and Decolonization Committee (Fourth Committee)

Agenda item 30

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Algeria, Bahrain, Bangladesh, Brunei Darussalam, Comoros, Egypt, Iraq, Jordan, Kuwait, Lebanon, Malaysia, Mauritania, Morocco, Nicaragua, Oman, Qatar, Saudi Arabia, Senegal, Somalia, South Africa, Tunisia, United Arab Emirates, Yemen and Palestine: draft resolution

Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and the other occupied Arab territories

The General Assembly,

Recalling its relevant resolutions, including its resolution 62/107 of 17 December 2007,

Bearing in mind the relevant resolutions of the Security Council,

Recalling the Regulations annexed to the Hague Convention IV of 1907,[1] the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[2] and relevant provisions of customary law, including those codified in Additional Protocol I,[3] to the four Geneva Conventions,[4]

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories[5] and the relevant reports of the Secretary-General,[6]

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[1] See Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

[2] United Nations, *Treaty Series*, vol. 75, No. 973.

[3] Ibid., vol. 1125, No. 17512.

[4] Ibid., vol. 75, Nos. 970-973.

[5] See A/63/273.

[6] A/63/482-484.

08-58480 (E) 041108

Considering that the promotion of respect for the obligations arising from the Charter of the United Nations and other instruments and rules of international law is among the basic purposes and principles of the United Nations,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice,[7] and also recalling General Assembly resolution ES-10/15 of 20 July 2004,

Noting in particular the Court's reply, including that the Fourth Geneva Convention[2] is applicable in the Occupied Palestinian Territory, including East Jerusalem, and that Israel is in breach of several of the provisions of the Convention,

Recalling the Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, held on 15 July 1999, as well as the Declaration adopted by the reconvened Conference on 5 December 2001 and the need for the parties to follow up the implementation of the Declaration,

Welcoming and encouraging the initiatives by States parties to the Convention, both individually and collectively, according to article 1 common to the four Geneva Conventions, aimed at ensuring respect for the Convention,

Stressing that Israel, the occupying Power, should comply strictly with its obligations under international law, including international humanitarian law,

1. *Reaffirms* that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[2] is applicable to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

2. *Demands* that Israel accept the de jure applicability of the Convention in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, and that it comply scrupulously with the provisions of the Convention;

3. *Calls upon* all High Contracting Parties to the Convention, in accordance with article 1 common to the four Geneva Conventions[4] and as mentioned in the advisory opinion of the International Court of Justice of 9 July 2004,[7] to continue to exert all efforts to ensure respect for its provisions by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

4. *Reiterates* the need for speedy implementation of the relevant recommendations contained in the resolutions adopted by the General Assembly at its tenth emergency special session, including resolution ES-10/15, with regard to ensuring respect by Israel, the occupying Power, for the provisions of the Convention;

5. *Requests* the Secretary-General to report to the General Assembly at its sixty-fourth session on the implementation of the present resolution.

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[7] See A/ES-10/273 and Corr.1.

United Nations A/C.4/63/L.17

General Assembly

Distr.: Limited
3 November 2008

Original: English

Sixty-third session

Special Political and Decolonization Committee (Fourth Committee)

Agenda item 30

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Algeria, Bahrain, Bangladesh, Brunei Darussalam, Comoros, Egypt, Iraq, Jordan, Kuwait, Lebanon, Malaysia, Mauritania, Morocco, Nicaragua, Oman, Qatar, Saudi Arabia, Senegal, Somalia, South Africa, Tunisia, United Arab Emirates, Yemen and Palestine: draft resolution

Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan

The General Assembly,

Guided by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

Recalling its relevant resolutions, including resolution 62/108 of 17 December 2007, as well as those resolutions adopted at its tenth emergency special session,

Recalling also relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 497 (1981) of 17 December 1981 and 904 (1994) of 18 March 1994,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[1] to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan,

Considering that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention[1] and relevant provisions of customary law, including those codified in Additional Protocol I[2] to the four Geneva Conventions,[3]

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[1] United Nations, *Treaty Series*, vol. 75, No. 973.

[2] Ibid., vol. 1125, No. 17512.

[3] Ibid., vol. 75, Nos. 970-973.

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Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,[4] and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

Noting that the International Court of Justice concluded that "the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law",[5]

Taking note of the recent report of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Palestinian territories occupied by Israel since 1967,[6]

Recalling the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993[7] and the subsequent implementation agreements between the Palestinian and Israeli sides,

Recalling also the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,[8] and noting specifically its call for a freeze on all settlement activity,

Aware that Israeli settlement activities involve, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the exploitation of natural resources and other actions against the Palestinian civilian population that are contrary to international law,

Bearing in mind the detrimental impact of Israeli settlement policies, decisions and activities on efforts to achieve peace in the Middle East,

Expressing grave concern about the continuation by Israel, the occupying Power, of settlement activities in the Occupied Palestinian Territory, in violation of international humanitarian law, relevant United Nations resolutions and the agreements reached between the parties, and concerned particularly about Israel's construction and expansion of settlements in and around Occupied East Jerusalem, including its so-called E-1 plan that aims to connect its illegal settlements around and further isolate Occupied East Jerusalem, and in the Jordan Valley,

Expressing grave concern also about the continuing unlawful construction by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern in particular about the route of the wall in departure from the Armistice Line of 1949, which is causing humanitarian hardship and a serious decline of socio-economic conditions for the Palestinian people, is fragmenting the territorial contiguity of the Territory, and could prejudge future negotiations and make the two-State solution physically impossible to implement,

Deeply concerned that the wall's route has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

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[4] See A/ES-10/273 and Corr.1.

[5] Ibid., advisory opinion, para. 120.

[6] See A/63/326.

[7] A/48/486-S/26560, annex.

[8] S/2003/529, annex.

Deploring settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan and any activities involving the confiscation of land, the disruption of the livelihood of protected persons and the de facto annexation of land,

Recalling the need to end all acts of violence, including acts of terror, provocation, incitement and destruction,

Gravely concerned about the rising incidents of violence by illegal armed Israeli settlers in the Occupied Palestinian Territory against Palestinian civilians and their properties and agricultural lands,

Noting the Israeli withdrawal from within the Gaza Strip and parts of the northern West Bank and the importance of the dismantlement of the settlements therein as a step towards the implementation of the road map,

Taking note of the relevant reports of the Secretary-General,[9]

Taking note of the special meeting of the Security Council convened on 26 September 2008,

1. *Reaffirms* that the Israeli settlements in the Palestinian territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[1] to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49;

3. *Notes* the Israeli withdrawal from within the Gaza Strip and parts of the northern West Bank and the importance of the dismantlement of the settlements therein as a step towards the implementation of the road map[8] and the need for the parties to speedily resolve all remaining issues in the Gaza Strip;

4. *Calls upon* Israel, the occupying Power, to comply strictly with its obligations under international law, including international humanitarian law, with respect to the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem;

5. *Reiterates its demand* for the immediate and complete cessation of all Israeli settlement activities in all of the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls in this regard for the full implementation of the relevant Security Council resolutions, including resolution 465 (1980);

6. *Demands* that Israel, the occupying Power, comply with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;[4]

7. *Reiterates its calls* for the prevention of all acts of violence and harassment by Israeli settlers, especially against Palestinian civilians and their properties and agricultural lands, and stresses the need for the implementation of

[9] A/63/482-484; see also A/63/273.

Security Council resolution 904 (1994), in which the Council called upon Israel, the occupying Power, to continue to take and implement measures, including confiscation of arms, aimed at preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

8. *Requests* the Secretary-General to report to the General Assembly at its sixty-fourth session on the implementation of the present resolution.